

FILED

OCT 17 2008

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY  DEPUTYJudgment in a Criminal Case
Sheet 1**United States District Court**
Southern District of CaliforniaUNITED STATES OF AMERICA
Vs**JUDGMENT IN A CRIMINAL CASE**
(For Offenses Committed On or After November 1, 1987)

Than Do

Case Number: 07CR2459-W

Erika Maritza Nicolalde
Defendant's Attorney**REGISTRATION NO.04902298**THE DEFENDANT:
pleaded guilty to count eleven of the indictment.

Accordingly, the defendant is adjudged guilty of such counts, which involve the following offenses :

| <u>Title & Section</u> | <u>Nature of Offense</u> | <u>Count Number</u> |
|----------------------------|--|---------------------|
| 18 USC 2252(a)(2) | Receipt of Images of Minors Engaged in Sexually Explicit Conduct | 11 |

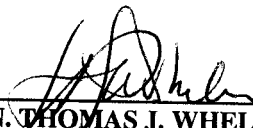
The defendant is sentenced as provided in pages 2 through 4 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

Counts 1 through 10, 12 and 13 of the indictment are ordered dismissed.

Penalty Assessment \$100.00, payable forthwith, to the Clerk, United States District Court.

Fine waived. Property shall forfeit pursuant to the order filed September 9, 2008, which is hereby incorporated by reference.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within thirty days of any change of name, residence or mailing address until all fines, restitution costs and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States Attorney of any material change in the defendant's economic circumstances.

October 17, 2008
Date of Imposition of Sentence
HON. THOMAS J. WHELAN
UNITED STATES DISTRICT JUDGE

Judgment in a Criminal Case
Sheet 2 - Imprisonment

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DEFENDANT: Than Do
CASE NUMBER: 07CR2459-W

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a term of 168 months.

The Court makes the following recommendations to the Bureau of Prisons:

The Court recommends placement in a facility where the defendant can receive sex offender treatment.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____
at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By

DEPUTY UNITED STATES MARSHAL

Judgment in a Criminal Case
Sheet 3 - Supervised Release

DEFENDANT: Than Do

CASE NUMBER:07CR2459-W

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SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 15 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state or local crime.

For offenses committed on or after September 13, 1994:

The defendant shall not illegally possess a controlled substance. The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter as determined by the court. Testing requirements will not exceed submission of more than eight drug tests per month during the term of supervision, unless otherwise ordered by the court.

X The above drug testing condition is suspended, based on the court's determination that the defendant poses a low risk of future substance abuse.

X The defendant shall not possess a firearm, ammunition, destructive device, or any other dangerous weapon.

X The defendant shall cooperate in the collection of DNA as directed by the probation officer pursuant to 18 USC 3583(d).

— The defendant shall register with the state sex offender registration agency in the state where the defendant resides, works, or is a student, as directed by the probation officer.

— The defendant shall participate in an approved program for domestic violence.

If this judgment imposes a fine or restitution obligation, it is a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in this judgment.

The defendant must comply with the standard conditions that have been adopted by this court. The defendant shall also comply with any special conditions imposed.

STANDARD CONDITIONS OF SUPERVISION

- 1) The defendant shall not leave the judicial district without the permission of the court or probation officer.
- 2) The defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month.
- 3) The defendant shall answer, truthfully, all inquiries by the probation officer and follow the instructions of the probation officer.
- 4) The defendant shall support his or her dependents and meet other family responsibilities.
- 5) The defendant shall work regularly at a lawful occupation, unless excused by the probation officer for schooling, training, or other acceptable reasons.
- 6) The defendant shall notify the probation officer at least ten days prior to any change in residence or employment.
- 7) The defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substance or any paraphernalia related to any controlled substances, except as prescribed by a physician.
- 8) The defendant shall not frequent places where controlled substances are illegally sold, used, distributed or administered.
- 9) The defendant shall not associate with any persons engaged in criminal activity and shall not associate with any person convicted of a felony, unless granted permission to do so by the probation officer.
- 10) The defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer.
- 11) The defendant shall notify the probation officer within 72 hours of being arrested or questioned by a law enforcement officer.
- 12) The defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court.
- 13) As directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirements.

Judgment in a Criminal Case
Sheet 4 - Continued Supervised Release Conditions

DEFENDANT: Than Do
CASE NUMBER: 07CR2459-W

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SPECIAL CONDITIONS OF SUPERVISION

- The defendant shall submit to search of person, property, residence, abode or vehicle, at a reasonable time and in a reasonable manner, by the probation officer or other law enforcement officer.
- The defendant shall participate in a program of mental health treatment as directed by the probation officer, take all medications as prescribed by a psychiatrist/physician, and not discontinue any medication without permission. The Court authorizes the release of the presentence report and available psychological evaluations to the mental health provider, as approved by the probation officer. The defendant may be required to contribute to the costs of services rendered in an amount to be determined by the probation officer, based on the defendant's ability to pay.
- The defendant shall not possess any child or adult erotica, pornographic or sexually oriented-stimulating materials, including visual, auditory, telephonic, or electronic media, and computer programs; and shall not patronize any place where such materials or entertainment are available.
- The defendant shall not have unsupervised contact with any child under the age of 18, unless in the presence of a supervising adult (who is aware of the defendant's deviant sexual behavior and conviction), and with the prior approval of the probation officer.
- The defendant shall not associate with or have any contact with any sex offenders unless in an approved treatment and/or counseling setting.
- The defendant shall not accept or commence employment or participate in any volunteer activity, without prior approval of the probation officer. Employment shall be subject to continual review and assessment by the probation officer.
- The defendant shall consent to third party disclosure to any employer, or potential employer, concerning any restrictions that are imposed by the court.
- The defendant shall reside in a residence approved, in advance, by the probation officer, and any changes in residence shall be pre-approved by the probation officer.
- The defendant shall not use or possess devices which can communicate data via modem or dedicated connection and may not have access to the Internet.